



Town of Hamilton
Conservation Commission
Meeting Minutes of April 24, 2024

Pursuant to the Open Meeting Law, MGL Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Commissioners, a meeting of the Hamilton Conservation Commission was posted for April 24, 2024 at 7PM via Zoom. *This meeting was recorded.* Commissioners: Sandy Coddling, Virginia Cookson, Kathy Simons, Lee McCoy, Mike Stoltzfus.

Call the meeting to order: *With a quorum present Chair McCoy called the meeting to order at 7:04 PM, identified the meeting as being recorded and those present: L. McCoy, Chair; K. Simons, Vice- Chair; V. Cookson; M. Stoltzfus, S. Coddling. Others present: Kristan Farr, Conservation Commission Coordinator; and others as noted in the minutes.*

Minutes: None for review. K.Simons noted she has a meeting with Laurie next week, which has triggered a lot of updates from the outside vendor, and it seems there are many minutes coming. V.Cookson requested that they be sent as they come in so that they have time to review. K.Simons believes there are 15 or 20 sets of minutes to come in. She plans on a new process, to do the corrections live at the meeting and the committee will send the finalized minutes to K.Farr for posting.

Request for Determination of Applicability:

• **8 Alan Road (Map 65, Lot 77) – repair of a septic system**

Bill Manuell from Wetlands and Land Management was present and spoke about the repair. The homeowner Richard Low, is selling the home and needs a septic replacement. There is a drop off in the rear of the property leading to wetlands. The septic designer was able to fit the system in while keeping everything 50 feet from all wetlands. They are seeking a negative determination so that they are able to proceed with the work. The work area is very compact, they will reseed it when done and it should look the same as it looks now. The Commissioners noted that if anything changes in the plan, they should return to the Commission for review.

Vote: *The Commissioners voted unanimously by roll call to issue a negative determination under the Wetland Protection Act and the Town bylaw on an upgraded septic system at 8 Alan Road, map 65, lot 77.*

Request for Certificate of Compliance:

• **375 Bridge Street (Map 51, Lot 20) DEP File #172-144**

• **375 Bridge Street (Map 51, Lot 20) DEP File #172-610**

Chair McCoy noted that the file number does not seem to match the records. Margaret Rupert attorney for the estate of Jack Gardner from the firm Nutter, McClennon, and Fish offered to try and answer questions. The Commissioners noted there was an early filing (144), which is unclear, and the later one (610) had to do with burial of an electrical system. V.Cookson believes there were three filings for this property and would like the other one to be tracked down. Attorney Rupert stated the family does not have those records. Chair McCoy questioned whether some research needs to be done on 144, to see if it is a mis-print. K.Farr noted that it is very old, probably from 1989, she said the permit is dead and it is recommended that something this old be closed out. M.Stoltzfus suggested a site visit to confirm that there are no issues, K.Farr said she did a walk through already and found no issues.

Vote: *The Commissioners voted unanimously by roll call to issue a certificate of compliance for 375 Bridge Street, DEP File#172-610, involving utilities near a stream.*

Vote: *The Commissioners voted unanimously by roll call to issue a certificate of compliance for 375 Bridge Street, DEP File#172-144, under the Hamilton bylaw and the Wetland Protection Act.*

Request for Extension:

• **135 Bridge Street (Lot 4) (Map 58, Lot 4-53) DEP File #172-641**

• **155 Bridge Street (Lot 5) (Map 58, Lot 5-53) DEP File #172-640**

The applicant had a personal emergency and requested a continuance to the next meeting.

Enforcement Orders/Violations:

- **37 Knowlton Street (Map 65, Lot 47) - issued September 13, 2023, dumping of soil, vegetation waste**

Chair McCoy read a summary of the history on this order, including the meetings and conversations that have taken place with the homeowner and recommended closing the enforcement order for three reasons: 1) The material cited in the original enforcement order has been removed, 2) the storage area is outside the no-disturb zone, and 3) the Commission lacks documentation that additional filling has occurred. V.Cookson noted they usually do not close the order until vegetation has been replaced, and she questioned if there was bare soil. Chair McCoy noted that there is no issue with bare soil.

Vote: *The Commissioners voted unanimously by roll call to close the Enforcement Order for 37 Knowlton St that was issued on September 13, 2023 involving dumping of soil and vegetation waste.*

- **161 Bridge Street (58-6-53) – issued March 14, 2023, erosion and sedimentation**

- **181 Bridge Street (58-8-53) – issued March 14, 2023, erosion and sedimentation**

- **185 Bridge Street (58-9-53) – issued March 14, 2023, erosion and sedimentation**

K.Simons noted that in the consultant report from Mark Arnold there was water observed being discharged from lot 9 following a rainstorm on April 17, 2024. There was also some water discharge observed from lot 3. It appeared that it was being trapped in the erosion controls measures, but it should be questioned when M.Arnold is next at a meeting. Chair McCoy noted that Town Counsel had comments on the draft Enforcement Orders, including that the Commission cannot impose a no-build status on the actual buildings on the lots, so that will be removed. Chair McCoy will work to finalize the orders. V.Cookson expressed concern that the letter/enforcement orders are taking so long to get sent that they may no longer be pertinent by the time they go out. Chair McCoy noted that it is important to get it right, and K.Simons noted that in the meantime the Commission has the ability to ticket every time there is an observation of dirty water being discharged.

- **26 Appaloosa Lane (Map 60, Lot 121) – reissued January 12, 2024, fill and removal of trees**

Chair McCoy explained that Dan Wells presented a restoration plan in progress at the March 27, 2024 meeting and the Commission requested updates to the restoration and that he return with an updated plan for the Commission to vote on. D.Wells presented the plan with the changes highlighted in yellow. The Commissioners expressed concern over fertilizer use, it has been clarified that fertilizer use within the buffer zone will be limited to organic slow release. Plantings will be monitored by a wetland scientist for two growing seasons with a 90% survival goal in that time. The homeowner still plans to move the shed, but will replace it with lawn, not a patio as originally proposed. The Commissioners asked some specific questions about the plan as presented, including granite markers, planting areas, and lawn delineation. M.Stolzfus offered to visit the property to verify the spacing of the plantings is as appropriate. There was agreement to add an additional granite marker to delineate the 25-foot No Disturb Zone. There was discussion about possible future work on the house and how that should be submitted to the Commission, but it was agreed that is for a future request. V.Cookson asked to clarify that no work on the house is being approved through this order.

Vote: *The Commissioners voted by roll call to accept the wetland and buffer zone restoration plan for 26 Appaloosa Lane, revised April 2, 2024, that includes everything on this document plus an additional granite marker at the juncture of the woodland, the 25 foot buffer line, plus conservation seed mix to fill between the tree plantings in the 25 foot buffer zone, and to exclude from this plan anything on the drawing pertaining to expansion or alteration of the existing dwelling as shown in red on the conceptual plan. **Vote: 4 yes, 1 abstention (V.Cookson).***

- **435 Bay Road, Myopia Hunt Club, tree removal**

This is a potential violation where trees were removed from the wetland or upland resource area. DeRosa has been contracted by Myopia as the wetland scientist and is surveying the area and will issue a report to be shared with the Commission. The tree removal is visible from the roads on the perimeter of the club.

Conservation Office, Miscellaneous Updates:

- Chair McCoy explained that the Ipswich River Watershed Association (IRWA) was prepared to present a proposal they were preparing together with the Town of Wenham at the last meeting (but there was no quorum), and that instead he would proceed to explain the proposal this evening. The goals of the proposal include to do an assessment of the Miles

River, develop an action plan, and develop two concept plans on nature-based solutions for future projects in the watershed. IRWA is requesting a letter of support from the Commission in support of the proposal, and Chair McCoy proceeded to read the text of the draft letter. K.Simons voiced her support and noted that the proposal is aiming to curb invasive species. V.Cookson noted some of the history of the river's restoration. M.Stolzfus expressed disagreement with the scientific basis of the proposal, he felt the proposal was not specific enough in its aims and goals, and not fully accurate specifically around water flow, and that the primary issue is removal of invasive species. Despite these concerns, the Commission agreed to the letter of support for the proposal.

- 951 Highland St – everything seems to be done, but they have to wait for their plantings to grow in before closing out.
- Chair McCoy announced that there are two positions open on the Commission. S.Codding noted that there was at least one applicant. K.Simons added that typically the Commission meets with candidates before an appointment is made. K.Farr was asked to reach out to Town Hall to move the process along.
- K.Simons noted that K.Farr had wanted a letter permit template for small issues that do not need to come before the Commission, and K.Simons had worked on consolidating a draft and sent it to her. She asked when it would be brought back to the Commission for review, and K.Farr agreed she would put it on the next agenda.
- K.Simons noted they had a vote on using e-signatures and she inquired whether they were being used. K.Farr noted she used them on a form recently. K.Simons expressed concern that their signatures are being placed on items that the Commissioners have not seen final versions of, and she would like to ensure that documents are final first.
- The next Conservation Commission meeting is currently scheduled for May 8, 2024.

Adjournment – *The Commissioners voted unanimously by roll call to adjourn at 8:52pm*

Meeting Packet Enclosures:

- Meeting Agenda
- 8 Alan Road application
- Miles River project LOS draft; MVP Project Summary; Email IRWA re grant– 3.29.24; Project Outline
- Bridge Street ISMP – OOC WPA & Bylaw; COC Letter
- 26 Appaloosa Restoration Plan – Revised 4.2.24
- 37 Knowlton Street- photos & file Documents

*Respectfully submitted by D. Pierotti, Recording Secretary, 5.20.24.
The minutes were prepared from video.*

*Respectfully submitted as Approved at July 24, 2024 meeting,
Kathy Simons, Vice Chair, Hamilton Conservation Commission
July 24, 2024*